

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 27th day of January 2014 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Edward A. Roderick-President	William P. Gerlach
	Denise M. deMedeiros-Vice President	Jay J. Lambert
	James Arruda	Brett N. Pelletier
	Joan B. Chabot	

Interim Town Administrator/Town Clerk, Nancy L. Mello and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Roderick read the items on the Consent Agenda. Councilor Arruda requested removal of item CA2c, Recreation Commission minutes. President Roderick requested removal of items CA1, Approval of Minutes Regular Council Meeting January 13, 2014 and CA6, Approval of Proclamation for James Weir Recommended by Economic Development Commission.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the rest of the items on the Consent Agenda except for CA2c, CA1 and CA6. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-2-Receipt of Minutes from the Following Boards, Commissions:

a.Open Space Commission (6) b.Library Board of Trustees

A-3-Correspondence – Receive and File

a.Exeter Town Council- Request Support for Newport Pell Bridge Safety Resolution
b.Charlestown Town Council – Resolution Opposing the Opening of the Chariho Act for Revision

A-4-Approval of Tax Assessor Abatements

A-5-Andre Goddu- Request for Handicapped Parking Sign for 23 Clement Street- Referred to Police Chief and DPW Director and Police Chief Recommendation

A-7-Denise Saurette, Treasurer – Distribution of December 2013 Budget and Revenue Reports

BUSINESS BROUGHT BEFORE THE COUNCIL:

CA1a-Approval of Minutes Regular Council Meeting January 13, 2014

Town Clerk Mello will have for the next agenda, currently in draft form along with several other minutes.

CA-2-Receipt of Minutes from the Following Boards, Commissions: c.Recreation Commission

Councilor Arruda questioned the late receipt, Town Clerk explained result of sending emails for Boards and Commission after comparing agendas and minutes received.

Councilor deMedeiros made a motion, seconded by Councilor Gerlach to approve receipt of Minutes from the Recreation Commission. Motion passed unanimously.

CA-6-Approval of Proclamation for James Weir Recommended by Economic Development Commission
President Roderick read the Proclamation for James Weir as recommended by Economic Development Comm.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Proclamation for James Weir Recommended by Economic Development Commission as read. Motion passed unanimously.

Added to Agenda: Update from Local Representatives and Senators

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to add to the Agenda for discussion only update from Local Representatives and Senators. Motion passed unanimously.

Representative Jay Edwards updated on the tolls. Worked hard the last 6 months, the study commission was over, have findings of fact to come up with legislation to fund the infrastructure and keep tolls off the Sakonnet River Bridge. Will need legislation to extend to July 1st as part of the budget, otherwise Governor can veto. Representative Dennis Canario explained the legislative session just started. Reps Edward and Canario have a bill to increase School funding in Tiverton from 30 to 60% appreciate a resolution; request 2 Council members attend the hearing to plead the case. Councilor Lambert urged them to do whatever to help with financial matters in the State, have the highest unemployment rate in the country at 9.1%. Have seen surveys that say this is the worst State in the country to do business, have lost population for 4-5 years now, need industrial and commercial development. Senator Christopher Ottiano discussed Road to Work; focus on issues of skilled labor at every level, focused on addressing unemployment. Senator Lou DiPalma discussed agricultural composting legislation. Resubmitted the legislation, can't help now but for future to codify. For meeting pension obligations Tiverton will get \$75,000 along with a little extra from those cities and towns that did not. Library aid moratorium will come up if the legislature does nothing. Rep. Canario submitted a bill to make RI more retirement pension friendly. Senator Walter Felag, Jr. has submitted similar bills the last 6 years, put an increase in the death tax to \$1.5 million, decrease the tax by 5 cents. Highly unlikely the sales tax will be eliminated. Senator Felag explained some of the process, bills are filed between now and February, Chairs categorize, have hearings from the end of February to early April, important to have similar bills on both sides. Councilor Chabot, regarding Prevention Coalition discussions on modifying some of the language for marijuana, in support of the Attorney General's efforts. Rep. Edwards was aware, on top of this issue. Solicitor Teitz noted an upcoming agenda item, Wastewater Draft legislation, may be looking for an enabling act. President Roderick thanked the Representatives and Senators for all their endeavors, diligent work.

OPEN PUBLIC FORUM:

Jeff Belli concerned about residents keeping sidewalks clear when it snows, wanted to know what was going on with the Maintenance Foreman. Barbara Pelletier update Council on recent interview with Channel 6 for the My Town segment. Jim O'Dell regarding the Town being in the news lately needs to be settled. Applauded the Council on the recent Cynthia Avenue issue, wanted clarification on Maintenance Foreman issue.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Leroy Kendricks – Draft Legislation Wastewater District Charter

Leroy Kendricks, Wastewater Management Commission Chairman and Steve Levy appeared before the Council to answer questions regarding the Draft Legislation Wastewater District Charter. Summarized briefly, a facilities plan was done, recommended in order to secure the most favorable financing from USDA to have an entity to qualify for funding. Hired Mr. Levy as a consultant to draft the legislation which the Town Solicitor reviewed. Mr. Levy, Executive Director Atlantic States Water explained USDA funds are available to fund Wastewater (WW), have population guidelines, must be under 10,000. Loans could be amortized over 45 years, be more affordable for rate payers. Have taken WW out of the ordinance and put in this legislation. There is no model sewer district legislation, borrowed from other pieces of legislation. The Council currently appoints members to

be trustees, current members extended one year for continuity. Later they would be elected by that WW district assuming the legislation is passed. After would have to review the sewer ordinance. Have worked with the water districts in Tiverton to get grant money. Almost lines up with the current service area for WW, electors under 10,000, no one will lose service. Mr. Kendrick emphasized it would cover only a certain portion, areas best served by sewers. The Town would pay for a portion of on-site service, have to deed all the assets over to the new district, all pipes, L accounts, etc. Anticipate a start of July 1st.

Answers to various questions included the meaning of personal property (tools, equipment), Fall River sending materials (using the pipes, customers outside the district), costs by owner (certain finances will only cover part of the project), unlawful (defined the district as an area, people will vote if not will still have septic systems), inspection powers (language needs to be cleaner), taxes due (bond companies like to have that ability, not the intent of WW), profits (not for profit, looking to cover costs to maintain the system have minimal staffing). Benefits to the citizens, trying to find the most cost effective way for sewers, might promote economic development. The legislation creates the entity, WW will have to draft rules, regulations and by laws. Easements will be needed if the line cuts across open areas. Town Clerk pointed out the ability to tax, would be a district decision, not the Town. It is a unique way to get a district. The Clerk also noted the transfer of the assets would include the TIF bond. The sewer district needs the line, the Town has the bond. Solicitor Teitz requested a motion include subject to the review of the Solicitor. Looking at transfer of the assets relative to the Financial Town Referendum (FTR). The interceptor line, have to look at the original documents regarding language. Chairman Kendrick discussed with Terry Sullivan regarding Fall River looking for customers, is a regional plant. The tax is for the benefit of the bond holders. Can provide a preliminary list of assets, need to reconcile the interceptor transfer for the proper transition. President Roderick requested the Solicitor review for next meeting before the Council takes action.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to continue the Draft Legislation Wastewater District Charter for Solicitor for review to the next scheduled meeting February 10th. Motion passed unanimously.

Presentations – Board and Commission Annual Reports

a. Pocasset Hill Cemetery

Anne Turcotte, Chair and John Christo, Treasurer from the Pocasset Cemetery Commission appeared before the Council with the Annual Report. Meetings are the second Wednesday of the month at 7:00 pm at the Community Center. Have notified the Police about an ongoing issue, plants and flowers at grave sites are being stolen. Trying to enforce the Cemetery rules more stringently. Will need additional funds in future years to have an added roadway. Commended Treasurer Denise Saurette on reorganizing the records report. Expenses of \$24,562 less income of \$21,025 led to a short fall of \$2,584 for 2013. Have over \$70,000 in the expenditure account, over half a million in the perpetual care account. Expect to have enough land for 10 years based on the current burials. There are 2,200 lots left to sell. Since 2009 have sold 137. Revenue ~~covers~~ *does not cover* the maintenance, may have to increase lot fees or decrease the perpetual care fee. Of those fees, 44% has been allocated to perpetual care, 56% to the sale of the lot. The Treasurer handles the investment on these accounts. Councilor Chabot, liaison to the Commission questioned what State laws might apply to perpetual care, if the Commission can take action. The same procedure has been in place over the years. President Roderick thanked them for the update.

b. Landfill/Recycling

DPW Director Steve Berlucchi and Chairman Steven P. Rys appeared before the Council to give the 2013 Annual Report for the Landfill/Recycling Committee. Chairman Rys explained a new license was issued in March. In 2012, 3,300 tons of trash were received vs 5,000 in 2011 and 6,300 in 2010. The life of the landfill has increased to 2017/18. Recycled 2,035 tons in 2012 vs 1,724 in 2011. Received from RI Resource Recovery a profit share check for \$15,374, restricted for use to improve recycling in town. Pay As You Throw (PAYT) revenue for 2012 was \$433,650, appears to be holding steady. Director Berlucchi noted some confusion with the holiday trash program, saw three times as much trash, limited to 2 free bags. The recycling rate has Tiverton number 6 in the State, congratulations to the citizens. The landfill is more user friendly, encourage drop offs. Councilor Gerlach suggested recycling improvements for Town Farm and Fort Barton, more could be done. Director Berlucchi will

meet with Recreation to look at the issue. Discussing the landfill closure account, Director Berlucchi noted the \$168,000 was not part of the budget, on the cusp of having enough funds. President Roderick thanked both.

c.Conservation Commission

Tom Ramotowski, Chairman of the Conservation Commission summarized the 2013 annual report. The Commission has 7 members, meets every third Tuesday at the Town Hall at 7pm. Majority of the time spent on efforts to protect Stafford Pond drinking water supply. Have done a lot of work with the Legislators, Councilor Gerlach, still working with the neighbors on their recommendations. Continue to be involved in the Lloyd Center Watershed program, the Town's 4th graders use models and interactive methods, learn about water cycle and the need to protect water sources. Have a Litter Prevention Committee, 50 volunteers adopt an area, also have the anti-littering poster contest. Fogland Beach damaged by major storms in 2012. DPW helped out with that and moving the playground to south of the paved road. Looking for volunteers to plant vegetation. Worked with the Planning Board on proposed language for overlay districts and contributed a member for the Comp Plan review. President Roderick thanked the Chair and the Commission members.

ADVERTISED PUBLIC HEARING:

Public Hearing – Advertised- Ordinance Amendment – Chapter 30, Courts – Article II – Municipal Court

Solicitor Teitz explained Municipal Court has had some appeals to Superior Court, discovered the statute was not clear, does not say file a separate complaint. Northern RI uses a separate document; Newport County does with a notice of appeal. The city of Newport has that in its charter. Amending the Town ordinance to clarify procedures and to clarify what is the record. Made clear electronic recordings are not part of the record. Costs will be set forth from time to time by resolution.

President Roderick called three times for public comment. Seeing none, closed the public hearing.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve the changes to the Ordinance Amendment Chapter 30 Courts Article II Municipal Court as set forth in item B-3. Motion passed unanimously.

Approved Ordinance Amendment – Chapter 30, Courts-Article II-Municipal Court at end of minutes.

TOWN COUNCIL SITTING AS BOARD OF LICENSING:

Robert W. Ramos, 654 Penn Street, Fall River, MA – Requests Approval of Annual Renewal of Private Detective License February 11, 2014 to February 10, 2015- Subject To Meeting All Legal Requirements

Police Chief Tom Blakey had no objections to this license renewal had conducted a background check.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the Annual Renewal of Private Detective License for Robert W. Ramos, term from February 11, 2014 to February 10, 2015, subject to meeting all legal requirements. Motion passed unanimously.

George Alzaibak- George's Gas and Service- Request Approval of Petroleum Storage License- Subject to Meeting All Legal Requirements

Town Clerk Mello explained Mr. Alzaibak would be putting in gas pumps in the near future.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the request of a Petroleum Storage License for Georg Alzaibak, George's Gas and Service, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Annual Appointment of Tree Warden – Advertised Applicant - John D. Manchester, 2970 Main Road

Town Clerk explained, was advertised, had no other applicants.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to reappoint John D. Manchester, 2970 Main Road, as Tree Warden, Annual Reappointment. Motion passed unanimously.

UNFINISHED BUSINESS:

Added to Agenda for Discussion only- Pond Street Bridge- DPW Director Berlucchi

Councilor Pelletier made a motion, seconded by Councilor Gerlach to add to the agenda for discussion only Pond Street Bridge. Motion passed unanimously.

DPW Director Berlucchi discussed the bridge deck replacement with the Council at a prior meeting. Last Friday found out about funding availability and bridge condition. Treasurer Saurette did not think she had Town authority to borrow the \$125,000. Looked at the terms of the financing, 1% originator fee, .5percent annual service fee with a Town bond rating of BBB, Treasurer believed could obtain better financing. Director Berlucchi met with a structural engineer, nothing has been posted. RIDOT did a load test, bridge just about passed, is in critical condition. Recommend taking care of the bridge. Will need to find a design firm, will put in next year's budget. Estimate \$125K, could be more, 20 tons is the basic limit, have taken off blanket permits to cross bridge. Will not notify users until something has been posted, bridge is inspected every 6 months.

FINANCIAL BUSINESS:

Toni Lyn McGowan, Tax Collector – Requests Council Approval to Abate \$34,036.89 in Motor Vehicle and Tangible Uncollectable from 2002 and 2003 Tax Years

Toni Lyn McGowan, Tax Collector explained have exhausted all collection measures, missed one of the years which is why there are two years being abated. The ten year old abatements are uncollectable. Town Clerk Mello noted if anyone comes back they could be added back to the tax rolls.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the request to Abate \$34,036.89 in Motor Vehicle and Tangible Uncollectable Taxes from the years 2002 and 2003. Motion passed unanimously.

NEW BUSINESS:

Chief Blakey –Request Council Approval of In-Street Pedestrian Crossing Sign on Main Road in the Area of Coastal Roasters Coffee Shop

Chief Blakey explained, the crosswalk request has been approved by the State, an in street road sign must be requested by the municipality. The State will be painting the cross walk, the Town will maintain the sign. Will be in the center of the road, must be in an area with a 25 mph speed limit. Director Berlucchi had no objection.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the request on In Street Pedestrian Crossing Sign on Main Road in the Area of Coastal Roasters Coffee Shop. DPW will maintain and remove in inclement weather. Discussion followed on the crosswalk. Chief Blakey had applied twice; Coastal Roasters will lose 2 parking spots. Solicitor Teitz determined the Interim Administrator could sign the application. Motion passed unanimously.

Interim Administrator – Approval of Advertising for Position of Town Planner

The Town Council had discussed this at the budget workshop; Town Clerk provided a draft ad and qualifications. Solicitor Teitz had reviewed mentioned the preferences. Councilor Pelletier complained the advertising should be consistent with the qualifications. Solicitor Teitz pointed out some positions are called different things like landscape architecture, urban planning or municipal planning. Councilor Pelletier wanted to see a result based description. Councilor Arruda questioned if there was money in the budget, the status of the department. Councilor Pelletier noted Ms. Michaud is doing everything, more interested in fully staffing that department.

Expectations of a Town Planner have changed. Dave Perry, Budget Committee Chairman thanked the Council for all the efforts put into the budget, received several phone calls, while on board, this is not in the budget. President Roderick explained this was a policy decision of the Council, have approved \$20,000 for a consultant, need to move forward. Councilor Pelletier noted the Council has advocated this position for over a year, trying to get this into the budget.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the request of the Interim Administrator to Advertise for a Full Time Planner subject to review of Solicitor Teitz regarding qualification, salary requirement struck, ask for salary history, Town Clerk to put on Consent Agenda for next meeting. Motion passed on a vote of 6-1, Councilor Chabot opposed.

BIDS AND REQUESTS FOR PROPOSALS:

Kate Michaud, Planning Board- Request Approval to Advertise for RFP Planning Services for Comprehensive Community Plan Update

Ms. Michaud explained in November 2013 Statewide (SW) Planning put out interim requirements, the Planning Board voted to pursue the 10 year update instead of the 5 year update. This RFP was rewritten with the help of SW Planning, detailed for tasks, expectations of consultant. Solicitor Teitz reviewed does need to have the detail as there is not lot money.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the request to Advertise for RFP Planning Service for Comprehensive Community Plan Update not to exceed \$10,000 the scope of which is outlined in agenda item H-1. Motion passed unanimously.

David Robert, Tax Assessor – Request Approval to Advertise RFP for Revaluation Services

Tax Assessor Dave Robert explained the scheduled update, statistical revaluation required by the State every 3 years. Request is contingent upon approval of Solicitor Teitz. Anticipate the cost to be \$135,000, budgeting on a yearly basis, State covers 60%. Councilor Pelletier called for clarification on page 7 it should be RI Certified General Appraiser license.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the request to Advertise RFP for Revaluation Services for 2014 subject to the correction and Solicitor review. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Interim Administrator Mello noted the need to schedule another budget workshop and interviews for Town Administrator. 2. Absent an objection requested Solicitor Teitz draft an ad hoc committee to review planning and procedures for zoning issues.

Consensus for workshop, 9am to noon on Saturday, 2/1 and Monday 2/3 and Wednesday, 2/5 for interviews. Town Clerk Mello reminded this would be in open. Solicitor Teitz noted past practice to hold in open unless objected to, as the name would become public at that point. Consensus was to conduct the interviews at 7 and 8:30 pm.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Discussion of Municipal Budget FY 2014-15

Councilor deMedeiros reminded the Budget Committee meets every Thursday at 7pm at the Town Hall unless otherwise posted, welcomes input.

Councilor Lambert – Request Interim Administrator and Town Treasurer (with assistance from Town Auditor) Determine an Appropriate Percentage Under Charter Section 310 for Unreserved General Fund

Councilor Lambert read Section 310 of the Charter, no money can be taken from the General Fund (GF) if it fall under 3%, has reached 5.35% so is in compliance with the Charter. At this point should consider the 2% amount for unreserved. Prompted by an article in the newspaper, can quickly run out of the rainy day fund.

Councilor Lambert proposed a motion and a request to Interim Administrator Mello and Treasurer Saurette with the assistance of the Town Auditor Paul Dansereau to advise the Council as to the appropriate GF percentage as in Section 310 and to advise the Council as to percentage of unreserved GF in excess that may be as a policy goal. President Roderick noted was on policy already. Suggest get advice on appropriate percentage in Section 310 and any discretionary unreserved funds in excess. Seconded by Councilor Pelletier the motion passed on a vote of 6-1, Councilor Arruda opposed.

Councilor Pelletier requested an update on the status of quarry licenses and the progress. Solicitor Teitz will be meeting with the Planner tomorrow.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

McLaughlin vs Tiverton – Supreme Court No. 13-338-A

The Town prevailed, zoning variance was denied, was appealed to the Supreme Court. The appeal was pro se, the Town filed not proper procedurally, going back to the Superior Court for removal of the structure. Hard to estimate when it will be heard, motions are only heard on one day of the month.

TOWN CLERK ANNOUNCEMENTS:

The Town Clerk had no announcements.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor - 42-46-5(a) (4) – Investigation – Maintenance Foreman

2. Interim Town Administrator – 42-46-5(a) (1) – Robert Martin –Maintenance Foreman —Personnel Performance - Notice Given

3. Town Solicitor – 42-46-5(a) (2) - Litigation – Town Solicitor Quarterly Litigation Report

4. Town Solicitor – 42-46-5(a) (2) – Litigation - LAL Construction Co., Inc. v. Town of Tiverton

5. Solicitor –42-46-5(a) (5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (4) – Investigation – Maintenance Foreman. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Gerlach to stay in Closed Executive Session pursuant to 42-46-5(a)(1) – Robert Martin –Maintenance Foreman —Personnel Performance - Notice Given. Solicitor Teitz noted Mr. Martin was provided written notice. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Litigation – Town Solicitor Quarterly Litigation Report. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation - LAL Construction Co., Inc. v. Town of Tiverton. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a)(5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station. Motion passed unanimously.

The Council entered into Executive Session at approximately 10:20 p.m.

The Council returned to Open Session at approximately 11:35 p.m.

OPEN SESSION:

In Open Session President Roderick announced action had been taken on item #2.

Councilor Pelletier motioned to seal the minutes of Executive Session. Seconded by Councilor Arruda, passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Gerlach, passed unanimously.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**TOWN OF TIVERTON
TOWN COUNCIL
ORDINANCE NO. 2014-001**

**Chapter 30, COURTS
ARTICLE II. Municipal Court**

WHEREAS: The Town Council adopts these ordinances for the purpose of establishing procedures to be followed to provide for the operation and management of the court.

NOW, THEREFORE, IT IS HEREBY ORDAINED: In accordance with the powers vested in it by Rhode Island General Laws 45-2-34(3) the town council of the town hereby enacts these ordinances in amendment to the following existing ordinances:

AN ORDINANCE IN AMENDMENT OF CHAPTER 30 Article II OF THE REVISED ORDINANCES OF THE TOWN OF TIVERTON, RHODE ISLAND, AS AMENDED, ENTITLED

Sec. 30-29. Municipal court clerk; appointment and duties and records.

(a) Pursuant to Section 801 of the Charter, the Town Clerk shall be the clerk of the municipal court. The Town Clerk may utilize clerical staff of the Town to perform, under the supervision of the Town Clerk, some or all of the duties of clerk of the municipal court.

(b) In any trial of a violation of the Town Ordinances excluding minimum housing ordinances, or R.I. Gen. Laws 1956, §45-24.3-1, the Rhode Island Housing, Maintenance and Occupancy Code, the clerk shall keep a record of the trial which shall include a copy of the notice of violation, the summons(es) and complaint(s), entries of appearance, motions and/or briefs filed by the parties, any judicial orders issued and the decision of the judge. Such records shall be maintained as a public record and shall constitute the Record On Appeal. The clerk shall furnish certified copies of the record upon request for which copies the clerk shall charge the same fees as are by law allowed to clerks of the superior court.

(c) The clerk of court shall keep a regular docket of all cases disposed of; shall record the judgments, orders, and sentences of the court; and shall furnish certified copies of such documents when required, for which copies the clerk shall charge the same fees as are by law allowed to clerks of the superior court. The clerk shall keep the office open to the public during such hours as the court shall determine, and shall also serve as magistrate and bail commissioner, setting bail for defendant until the court is in session.

(d) Nothing contained in this section shall prohibit the police department or the town administration or the Town Clerk from providing the secretarial and administrative assistance necessary for the court to perform its duties and responsibilities.

(e) An electronic record shall be made of the proceedings in the trial or hearing of every action in the municipal court under these provisions, but such record shall not be deemed to be part of the Record on Appeal. If requested, a copy of the aural recording shall be provided as a "Public Record" under the Access To Public Records act, and reasonable fees may be charged for the electronic or tape media utilized. In the event a typewritten transcription is sought for use in subsequent proceedings, the typing of the transcript and the cost thereof shall be borne by the requesting party.

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Sec. 30-32. Jurisdiction.

(a) The council hereby confers on the municipal court original jurisdiction to hear and determine causes involving violations of:

(1) Any ordinance of the town.

(2) Minimum housing ordinances, including any violation of G.L. 1956, § 45-24.3-1, the Rhode Island Housing, Maintenance and Occupancy Code.

(3) Any other jurisdiction conferred by state law.

(b) Any defendant found guilty of any offense, excluding violations of the minimum housing ordinances, or G.L. 1956, § 45-24.3-1 et seq., may within seven days of such conviction file an appeal from such conviction to the superior court and be entitled in the latter court to a trial de novo. The appeal may be claimed by filing a written notice of appeal with the clerk of the Municipal Court. The party claiming the appeal shall certify that he/she has sent a copy of the notice of appeal to the opposing party or parties, or if represented by counsel, to their counsel of record. Provided further, however, that any defendant found guilty of any violation of a minimum housing ordinance, or of G.L. 1956, § 45-24.3-1 et seq. within seven days of such conviction file an appeal from such conviction to the Second Division of the District Court and be entitled to a trial de novo in accordance with G.L. 1956, §§ 8-8-3(a)(4) and 8-8-3.2.

(c) With respect to violations of municipal ordinances dealing with minimum housing, or G.L. 1956, § 45-24.3-1 et seq., the council hereby confers upon the municipal court, in furtherance of such jurisdiction, the power to proceed according to equity to:

(1) Restrain, prevent, enjoin, abate, or correct a violation;

(2) Order the repair, vacating, or demolition of any dwelling existing in violation; or

(3) Otherwise compel compliance with all provisions of such ordinances and statutes.

(Code 1967, § 25-7)

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Sec. 30-33. Fines; penalties; imprisonment.

The municipal court may impose a sentence not to exceed 30 days in jail and impose a fine not in excess of \$500.00, or both, and shall be empowered to punish persons for contempt. Each day on which a violation exists may be deemed to be a separate offence.

(Code 1967, § 25-8)

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Sec. 30-35. Costs.

(a) The municipal court shall be authorized to impose court costs in the amount which shall be set from time to time by the town council by resolution, and the payment of such costs shall be a part of the sentence.

(b) All payments shall be deposited in the general treasury of the town, and the treasurer shall remit to the state those assessments required by the General Laws.

(Code 1967, § 25-10)

This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.